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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,342	01/22/2002	Saul R. Dooley	GB 010008	9262
24737	7590	01/03/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			PHAM, LAM P	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,342

Applicant(s)

DOOLEY ET AL.

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-17 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 rejected under 35 U.S.C. 102(b) as being anticipated by **Layson, Jr.** (US 5,731,757).

Regards claims 1-3, Layson discloses a mobile device (12) comprising a GPS receiver (44) and an audible alarm configured to sound through speaker (46), during the operation of the GPS receiver, due to a loss of GPS signal from the GPS satellites (14) as seen in Figure 1; col. 9, lines 1-3 and 24-28. The loss of GPS signal by the GPS receiver means there is an event adverse to the performance of the GPS receiver including obstruction of transmission link by clouds, buildings and other structures, or low battery or malfunction or orientation or motion or movement of GPS receiver resulting in the inability of the GPS receiver to acquire or track a GPS signal or to obtain or maintain a position fix.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over **Layson Jr.** (US 5,731,757).

Regarding claim 7, Layson fails to disclose the audible alarm comprising pre-recorded verbal instructions to either reposition the mobile communication device, to refrain from moving the device or to curb moving the device. However, Layson disclose the mobile communication device (12) able to notify the subject or wearer of the commands, instructions, violations and warning by messages through audio means using digitized voice message or audio tone message or visual means using alpha numeric text display (48) as seen in col. 8, lines 60-65, and col. 9, lines 1-8. Since it has been known by a mobile communication device user to move the device to an open space, to a higher position or reposition the mobile communication device when the signal received is getting weaker or less audible because of obstruction by building, trees or other factors, thus, it would have been obvious to one skilled artisan to utilize pre-recorded verbal instructions or voice message or text display to instruct or remind the user to reposition the mobile communication device, to refrain from moving the device or to move to open space in order to improve reception of the GPS signal.

Allowable Subject Matter

4. Claims 4-6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 8-17 allowed.

Response to Arguments

6. Applicant's arguments filed August 25, 2004 have been fully considered but they are not persuasive for claims 1-3 and 7.

Regarding claims 1-3, in the remark on pages 6-7, the applicant argues: "Layson recites electronic tamper sensors and motions sensor for determining whether a portable tracking device violates place scheduling rules and location constraints and that Layson's device does not anticipate an event which is likely to be adverse."

In response, the examiner has explained Layson's mobile device generates alarms with the subject or user when there is an event that causes a loss or corruption of the GPS signals as seen in col. 9, lines 24-28 of claim 1. Since the claim language does not define clearly an adverse event, therefore, any well known event including obstruction of transmission link by clouds, buildings and other structures, or low battery or tampering or malfunction or orientation or motion or movement of GPS receiver would read on the claim. Thus, the same rejections are maintained for claims 1-3 and 7.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

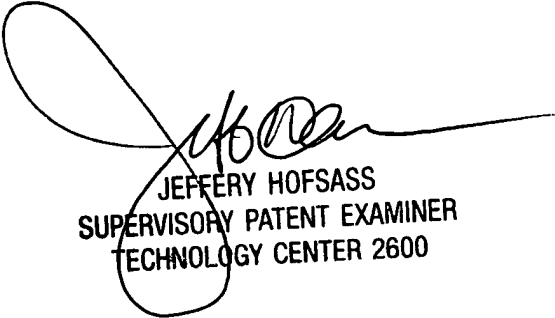
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
December 20, 2004



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600